

LEON COUNTY CODE ENFORCEMENT BOARD

LEON COUNTY, a political subdivision
of the State of Florida,

Petitioner,

vs.

CEB CASE NO.: 03-005

MICHAEL F. AND L.J. MCCARTY

Respondents.

_____ /

FINDINGS OF FACT, CONCLUSION OF LAW, AND ORDER

THIS CAUSE came for public hearing before the Board on March 20, 2003, and having heard testimony under oath and received evidence, and being advised in the premises, the Board issues its findings of fact and conclusions of law and enters its Order in this case as follows:

FINDINGS OF FACT

1. Michael F. and L. J. McCarty are the owners of the subject property, are Respondents herein, were served with proper notice, and that Michael F. and L. J. McCarty were not present at the hearing and were not represented by counsel.
2. A notice of violation was provided to Respondents by certified and regular mail on September 17, 2002, and by posting the property and Leon County Courthouse on November 26, 2002, requesting that the violation be corrected within sixty (60) days from September 17, 2002 and November 26, 2002.
3. The violation was not corrected as requested, which resulted in issuance of a Notice of Violation and Request for Hearing which was provided to Respondents by certified and regular mail on February 26, 2003, and by posting the property and the Leon County Courthouse on March 7, 2003.
4. On or before September 17, 2002, an abandoned, unsafe mobile home existed on the subject property, located at 9520 Scottsdale Road, Tax ID #33-17-40- C-003-0, in violation of the Code of Laws of Leon County, Florida, Section 14-2, in that Respondents have an abandoned, unsafe mobile home on the reference property.
5. The conditions existing on the property constitute a public nuisance.

LEON COUNTY CODE ENFORCEMENT BOARD
CEB CASE NO. 03-005
PAGE TWO

CONCLUSIONS OF LAW

Section 14-2, Leon County Code of Laws states that dilapidated structures, including real property, personal property or fixtures, on any parcel of land in the county, which may reasonably cause the property to threaten the public health, safety, or welfare, or which may reasonably cause disease, or adversely affects the economic welfare of other property, constitutes a public nuisance and is prohibited, and every owner of real property in the county has a duty to keep his or her property free of any nuisance at his or her expense.

Section 14-5, Leon County code of Laws, provides that if the Board determines that a nuisance exists on the property, the County shall have the right to have the conditions abated at the expense of the property owner, after the time has expired for the owner to remove or correct the conditions.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, and pursuant to the authority granted in Chapter 162, Florida Statutes, and Chapter 6, Leon County Code of Laws, by Motion made by Glenn Brown and duly seconded by James McRoy, which carried by a vote of five (5) in favor to none opposed, it is hereby ORDERED:

1. Respondents are found by the Leon County Code Enforcement Board to be in violation of Section 14-2 of the Leon County Code of Laws, and;
2. Respondents shall correct said violation by obtaining the necessary permits, and inspections, remove the structure or reconfigure or demolish within seven (7) days of the date of this Order, deadline being April 23, 2003, and obtain from the Department of Community Development an Affidavit of Compliance to be filed, exclusive of staff review time, with this Board on or before the ordered compliance deadline date, and;
3. If Respondents do not comply with this Order on or before the above-stated compliance deadline date, then, pursuant to Section 162.09, Florida Statutes, the Board may impose a fine of \$250.00 for each and every day thereafter any violation continues past the compliance deadline date, and;
4. The Code Enforcement Board refers this matter to the County's process for Abatement in Section 14-5, Leon County code of Laws.

LEON COUNTY CODE ENFORCEMENT BOARD
CEB CASE NO. 03-005
PAGE THREE

The parties are hereby notified that upon the timely filing of a Notice of Appeal within thirty (30) days of the date of this Order, you may have the decision of the Code Enforcement Board reviewed by Circuit Court.

DONE AND ORDERED this 15th day of APRIL, 2003.

LEON COUNTY CODE ENFORCEMENT BOARD
BY: Charles E. Cook
SKIP COOK, VICE-CHAIRMAN

ATTESTED TO:

BY: Mike Andrews
CODE ENFORCEMENT BOARD ADMINISTRATOR

I hereby certify that a true copy of the above Order has been sent to Respondents, Michael F. and L. J. McCarty, 5733 Doonesbury Way, Tallahassee, Florida, 32303, by U.S. First Class and Certified Mail, this 16th day of April, 2003.

Mike Andrews
Leon County Code Enforcement Board Administrator

ATTENTION: It is the Respondent's(s') responsibility to notify the Department of Community Development of Leon County, Florida, at 488-9300 and satisfactorily demonstrate that the violation has been corrected, and to obtain an Affidavit of Compliance, in order to avoid continued accrual of per day fine and lien amounts. **RECORDING OF THIS ORDER IN THE PUBLIC RECORDS OF LEON COUNTY, FLORIDA, SHALL CONSTITUTE NOTICE OF THE SUBJECT PROPERTY, AND THE FINDINGS THEREIN SHALL BE BINDING UPON ANY SUBSEQUENT PURCHASERS, SUCCESSORS IN INTEREST, OR ASSIGNS.**

LEON COUNTY CODE ENFORCEMENT BOARD

LEON COUNTY, a political subdivision
of the State of Florida,

Petitioner,

vs.

CEB CASE NO.: 03-006

GEORGE W. FROST, JR. AND R. FROST

Respondents.

_____ /

FINDINGS OF FACT, CONCLUSION OF LAW, AND ORDER

THIS CAUSE came for public hearing before the Board on March 20, 2003, and having heard testimony under oath and received evidence, and being advised in the premises, the Board issues its findings of fact and conclusions of law and enters its Order in this case as follows:

FINDINGS OF FACT

1. George W. Frost, Jr. and R. Frost are the owners of the subject property, are Respondents herein, were served with proper notice, and that George W. Frost, Jr., and R. Frost were not present at the hearing and were not represented by counsel.
2. A notice of violation was provided to Respondents by certified and regular mail on September 17, 2002, and by posting the property and Leon County Courthouse on September 27, 2002, requesting that the violation be corrected within sixty (60) days from September 17, 2002 and September 27, 2002.
3. The violation was not corrected as requested, which resulted in issuance of a Notice of Violation and Request for Hearing which was provided to Respondents by certified and regular mail on February 26, 2003, and by posting the property and the Leon County Courthouse on March 7, 2003.
4. On or before September 17, 2002, an abandoned, unsafe mobile home existed on the subject property, located at 1253 Balkin Road, Tax ID #41-23-20-402-000-0, in violation of the Code of Laws of Leon County, Florida, Section 14-2, in that Respondents have an abandoned, unsafe mobile home on the reference property.
5. The conditions existing on the property constitute a public nuisance.

LEON COUNTY CODE ENFORCEMENT BOARD
CEB CASE NO. 03-006
PAGE TWO

CONCLUSIONS OF LAW

Section 14-2, Leon County Code of Laws states that dilapidated structures, including real property, personal property or fixtures, on any parcel of land in the county, which may reasonably cause the property to threaten the public health, safety, or welfare, or which may reasonably cause disease, or adversely affects the economic welfare of other property, constitutes a public nuisance and is prohibited, and every owner of real property in the county has a duty to keep his or her property free of any nuisance at his or her expense.

Section 14-5, Leon County code of Laws, provides that if the Board determines that a nuisance exists on the property, the County shall have the right to have the conditions abated at the expense of the property owner, after the time has expired for the owner to remove or correct the conditions.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, and pursuant to the authority granted in Chapter 162, Florida Statutes, and Chapter 6, Leon County Code of Laws, by Motion made by James McRoy and duly seconded by Phil Sanders, which carried by a vote of five (5) in favor to none opposed, it is hereby ORDERED:

1. Respondents are found by the Leon County Code Enforcement Board to be in violation of Section 14-2 of the Leon County Code of Laws, and;
2. Respondents shall correct said violation by obtaining the necessary permits, and inspections, remove the structure or reconfigure or demolish within seven (7) days of the date of this Order, deadline being 23 April 2003, and obtain from the Department of Community Development an Affidavit of Compliance to be filed, exclusive of staff review time, with this Board on or before the ordered compliance deadline date, and;
3. If Respondents do not comply with this Order on or before the above-stated compliance deadline date, then, pursuant to Section 162.09, Florida Statutes, the Board may impose a fine of \$250.00 for each and every day thereafter any violation continues past the compliance deadline date, and;
4. The Code Enforcement Board refers this matter to the County's process for Abatement in Section 14-5, Leon County code of Laws.

LEON COUNTY CODE ENFORCEMENT BOARD
CEB CASE NO. 03-006
PAGE THREE

The parties are hereby notified that upon the timely filing of a Notice of Appeal within thirty (30) days of the date of this Order, you may have the decision of the Code Enforcement Board reviewed by Circuit Court.

DONE AND ORDERED this 15th day of APRIL, 2003.

LEON COUNTY CODE ENFORCEMENT BOARD
BY: Charles E. Cook
SKIP COOK, VICE-CHAIRMAN

ATTESTED TO:

BY: Vickie Andrews
CODE ENFORCEMENT BOARD ADMINISTRATOR

I hereby certify that a true copy of the above Order has been sent to Respondents, George W. Frost, Jr. and R. Frost, 1253 Balkin Road, Tallahassee, Florida, 32305, by U.S. First Class and Certified Mail, this 16th day of April, 2003.

Vickie Andrews
Leon County Code Enforcement Board Administrator

ATTENTION: It is the Respondent's(s') responsibility to notify the Department of Community Development of Leon County, Florida, at 488-9300 and satisfactorily demonstrate that the violation has been corrected, and to obtain an Affidavit of Compliance, in order to avoid continued accrual of per day fine and lien amounts. **RECORDING OF THIS ORDER IN THE PUBLIC RECORDS OF LEON COUNTY, FLORIDA, SHALL CONSTITUTE NOTICE OF THE SUBJECT PROPERTY, AND THE FINDINGS THEREIN SHALL BE BINDING UPON ANY SUBSEQUENT PURCHASERS, SUCCESSORS IN INTEREST, OR ASSIGNS.**